

Notice of Allowability

Application No.

09/322,021

Examiner

Phillip Gambel

Applicant(s)

ARMITAGE ET AL.

Art Unit

1644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10/28/02; 07/03/2003.
2. ☒ The allowed claim(s) is/are 28-30.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

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DETAILED ACTION

1. The JUDGMENT pursuant to 37 CFR 1.640 that Armitage's preliminary motion be granted on the ground that Noelle's claims are not enabled for chimeric monoclonal antibodies, mailed 10/28/2002, is acknowledged.

The DECISION ON NOELLE REQUEST FOR RECONSIDERATION denying Noelle's request for reconsideration is acknowledged.

2. Claims 1-27 have been canceled previously.

Claims 28-30 are pending.

EXAMINER'S AMENDMENT

3. An Examiner's Amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 C.F.R. 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the Issue Fee.

4. Authorization for this Examiner's Amendment was given in a telephone interview with Gordon Kit on 05/10/2007.

5. The paragraph disclosing priority on page 1 of the specification under the heading of CROSS REFERENCE TO RELATED APPLICATION has been amended as follows.

-- This application is a Continuation of Application Serial No. 08/249,189, filed May 24, 1994, now U.S. Patent No. 5,961,974 (~~now allowed~~); which in turn is a Continuation-In-Part of Application Serial No. 07/969,703, filed October 23, 1992 (now abandoned) ; which in turn is a Continuation-In-Part of Application Serial No. 07/805,723, filed December 5, 1991 (now abandoned) ; which in turn is a Continuation-In-Part of Application Serial No. 07/783,707, filed October 25, 1991 (now abandoned). --

6. The title has been replaced with the following:

-- MOUSE CD40 LIGAND-SPECIFIC ANTIBODIES AND HYBRIDOMAS -- .

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REASONS FOR ALLOWANCE

6. The following is an Examiner's Statement of Reasons for Allowance:

Given the JUDGMENT pursuant to 37 CFR 1.640 that Armitage's preliminary motion be granted on the ground that Noelle's claims are not enabled for chimeric monoclonal antibodies, mailed 10/28/2002; the instant claims are deemed allowable.


As indicated previously, the instant mouse CD40 ligand-specific antibodies and hybridomas appear to be free of the prior art.

7. Any comments considered necessary by applicant must be submitted no later than the payment of the Issue Fee and, to avoid processing delays, should preferably accompany the Issue Fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phillip Gambel whose telephone number is (571) 272-0844. The examiner can normally be reached Monday through Thursday from 7:30 am to 6:00 pm. A message may be left on the examiner's voice mail service. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Chan can be reached on (571) 272-0841.

The fax number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Phillip Gambel, Ph.D., J.D.

Primary Examiner

Technology Center 1600

May 24, 2007